IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3873 OF 2006

Mr. Deepak Prithviraj Gupta ..Applicant

Vs.

Mr. Homenarayan Shivbhajan Verma and anr. ..Respondents

Ms. Vaidhehi Mhaispurkar with Mr.S.M. Mangaonkar for applicant.
Mr. S.A. Ingawale for respondent no.1.
Mr. Y.S. Shinde, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : January 31, 2007.

P.C.:

1. Heard Ms. Mhaispurkar with Mr. Mangaonkar the learned counsel for the applicant. The respondent Omnarayan/Homnarayan Verma has been released on bail by the learned 2nd Ad-hoc Additional Sessions Judge at Kalyan on 2/8/2006 and this order is under challenge in this application filed under Section 439(2) of Cr.P.C. by the original complainant Deepak Prithviraj Gupta.

2. As per the complainant's statement, in

addition to the deceased Guddukumar Prithviraj Savu (Gupta), one Pradeepkumar Kevalchand Gupta was also assaulted as he was with the deceased at the relevant time on 15/4/2006. The statement of this Pradeepkumar Kevalchand Gupta who is in a way claimed to be eye witness has been recorded by the I.O. on 15/4/2006 itself and having regards to the said statement, it is clear that the view taken by the learned Ad-hoc Additional Sessions Judge in releasing the respondent no.1-accused on bail cannot be faulted with. There is no role assigned or attributed to Shri Omnarayan/Homnarayan Verma for assaulting the deceased or the eye witness Pradeepkumar on 15/4/2006. Under these circumstances, there is no reason to interfere with the impugned order dated 2/8/2006 releasing the respondent- Omnarayan/ Homnarayan Verma on bail.

3. Hence, this application is rejected.

(B.H. Marlapalle,J.)